



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,140	02/27/2002	Cory M. Panattoni	002558-067300US	4424

20350 7590 05/13/2003

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

YOON, TAE H

ART UNIT	PAPER NUMBER
----------	--------------

1714

DATE MAILED: 05/13/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/089,140Applicant(s)
Panattori

Examiner

T. Yoon

Group Art Unit

1714

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Responsive to communication(s) filed on _____

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-13 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-13 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement

Application Papers

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All Some* None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. _____.

Copies of the certified copies of the priority documents have been received
in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 1714

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hochstrasser et al (US 5,292,665) in view of Alpenfels et al (US 5,753,095) or Lau et al (US 6,110,340).

Hochstrasser et al teach a polyacrylamide gel and a method of making thereof at col. 5, lines 6-9, col. 6, lines 25-46 and col. 9, line 34 to col. 10, line 24 wherein the use of glass plates is seen (line 20). Said polyacrylamide gel is obtained from acrylamide, a crosslinker (diacrylpiperazine) in the presence of sodium thiosulfate and ammonium or potassium persulfate (col. 6, lines 31-35).

The instant invention recites the use of a plastic gel enclosure or mold over Hochstrasser et al. However, the advantage of using said plastic gel enclosure or mold over glass enclosure or mold and the use of a plastic mold and well known as taught by Alpenfels et al (col. 3, lines 32-44 and col. 4, lines 51-60) and Lau et al (col. 4, lines 38-40).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize the plastic gel enclosure or mold taught by Alpenfels et al or Lau et al in gel-

Art Unit: 1714

making process of Hochstrasser et al since the advantage of using said plastic gel enclosure or mold over glass enclosure or mold can be utilized.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alpenfels et al (US 5,753,095) in view of Flesher et al (US 4,940,763) or Saunders (US 3,755,280).

Alpenfels et al teach a polyacrylamide gel and a method of making with a plastic mold thereof at col. 1, line 53 to col. 2, line 4, col. 4, lines 51-60 and in examples (especially col. 6, line 53 to col. 7, line 12 wherein the use of TEMED and APS is seen).

The instant invention recites the use of sodium sulfite over Alpenfels et al. However, the redox catalyst system comprising sodium sulfite is well known in the art as taught by Flesher et al (col. 8, lines 14-16) and Saunders (col. 4, lines 32-33).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize the art well known redox catalyst system comprising sodium sulfite of Flesher et al or Saunders in Alpenfels et al since all are directed to making a polyacrylamide gel utilizing an aqueous gel polymerization with a redox catalyst system.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as obvious over Ogawa (US 4,806,434) in view of Hochstrasser et al (US 5,292,665), Flesher et al (US 4,940,763) or Saunders (US 3,755,280), and further in view of Alpenfels et al (US 5,753,095) or Lau et al (US 6,110,340).

Art Unit: 1714

Ogawa teaches a method of making polyacrylamide gel of acrylamide and BIS (N,N'-methylenebisacrylamide) in example 1 and table 1 wherein the use of polyethylene terephthalate sheet is seen. Ogawa also teaches employing any art known oxidation inhibitor at col. 13, lines 35-40.

The instant invention recites the use of sodium (bi or thio)sulfite and a plastic enclosure or mold over Ogawa. However, said sodium (bi or thio)sulfite is the art well known oxygen scavenger and redox catalyst as taught by Hochstrasser et al (col. 6, line 35 and col. 10, lines 26, 34), Flesher er al (col. 8, lines 14-16) and Saunders (col. 4, lines 32-33). Alpenfels et al and Lau et al teach a plastic enclosure or mold and its advantage as discussed above.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize the art well known oxygen scavenger and redox catalyst, sodium (bi or thio)sulfite, of Hochstrasser et al, Flesher er al or Saunders in Ogawa, and further to use a plastic enclosure or mold Alpenfels et al or Lau et al in Ogawa thereof since Ogawa also teaches employing any art known oxidation inhibitor and since Ogawa teaches the use of polyethylene terephthalate sheet and since choosing said enclosure or mold over sheet is an obvious design choice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:30.

Art Unit: 1714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

THY/May 8, 2003

Tae H. Yoon
TAE H. YOON
PRIMARY EXAMINER